



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

PWB
F. #2010R02201

*271 Cadman Plaza East
Brooklyn, New York 11201*

February 6, 2018

By ECF, Hand Delivery, and Email

Honorable Roslynn R. Mauskopf
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. 'Isa
Criminal Docket No. 11-819 (RRM)

Dear Judge Mauskopf:

Pursuant to the Court's February 6, 2018 Order in the above-captioned matter, earlier today the government filed the following documents:

- The draft 11(c)(1)(C) plea agreement to which the defendant is expected to plead guilty, as well as a revised stipulation of facts (Docket Entry ("DE") No. 93);¹

¹ Because the defendant has not yet pleaded guilty, and the Court has not yet accepted the defendant's plea, the government requests that the plea agreement and stipulated facts be filed under seal. The government is sensitive to the need to minimize the amount of information that is filed under seal in a criminal case. See, e.g., United States v. Aref, 533 F.3d 72, 83 (2d Cir. 2008) (noting "the requirement that district courts avoid sealing judicial documents in their entirety unless necessary"); Lugosch v. Pyramid Co., 435 F.3d 110, 119-20 (2d Cir. 2006) (noting that sealing orders should be "narrowly tailored"). In this case, however, public disclosure regarding the proposed plea agreement and stipulated facts could affect the defendant's right to a fair trial. See United States v. Graham, 257 F.3d 143, 154 (2d Cir. 2001) (protecting a defendant's right to fair trial may be compelling reason justifying sealing). Thus, the countervailing interests in protecting the defendant's right to a fair trial outweigh the public's qualified right to access. As the facts set forth above provide ample support for the "specific, on the record findings" necessary to support sealing, Lugosch, 435 F.3d at 120, the government respectfully requests permission to file the plea agreement and stipulated facts under seal.

- Proposed judicial removal documents referenced in the draft plea agreement (DE No. 94);
- A letter regarding the elements of the statute to which the defendant is expected to plead guilty (DE No. 95);
- A letter regarding the proposed 11(c)(1)(C) plea agreement to which the defendant is expected to plead guilty (DE No. 96).

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

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cc: Clerk of the Court (RRM)
Defense counsel